

Message Text

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ACTION ARA-15

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R 112321Z SEP 78
FM AMEMBASSY GUATEMALA
TO SECSTATE WASHDC 1623
INFO AMEMBASSY MANAGUA
AMEMBASSY SAN JOSE
AMEMBASSY SAN SALVADOR
AMEMBASSY TEGUCIGALPA

LIMITED OFFICIAL USE SECTION 1 OF 2 GUATEMALA 5374

DEPT FOR ARA ONLY

E.O. 11652: N/A
TAGS: SHUM, GT
SUBJECT: 1978 UNCLASSIFIED HUMAN RIGHTS REPORT FOR GUATEMALA:
BASIC DRAFT

REF: STATE 215083

EMBASSY DRAFT FOLLOWS.

BEGIN TEXT.

1. SETTING

THE HIGH LEVEL OF PERSONAL AND POLITICAL VIOLENCE
WHICH AFFLICTED GUATEMALA FROM 1966 TO MID-1974 FELL
MARKEDLY DURING THE LAUGERUD ADMINISTRATION (1974-1978).
THE LATTER WAS THE FIRST ADMINISTRATION IN RECENT
YEARS TO HAVE COMPLETED ITS TERM WITHOUT IMPOSITION OF
A STATE OF SIEGE. THE LUCAS GOVERNMENT, WHICH TOOK
OFFICE JULY 1, 1978, RETAINS SEVERAL KEY CABINET
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MINISTERS (GOVERNMENT, DEFENSE) FROM THE PREVIOUS.

KIDNAPPING AND ASSASSINATION OF GOVERNMENT
OFFICIALS AND BUSINESSMEN BY LEFTIST TERRORISTS
CONTINUE, HOWEVER, AS DO POLITICALLY MOTIVATED
MURDERS BY RIGHTIST GROUPS. DESPITE GENERAL RESTRAINT
ON THE PART OF THE LAUGERUD GOVERNMENT AND ITS

SUCCESSOR, VIOLATIONS OF HUMAN RIGHTS SOMETIMES STILL OCCUR, PARTICULARLY IN THE RURAL GUERRILLA AREAS.

POLITICAL VIOLENCE TRADITIONALLY INCREASES DURING PRESIDENTIAL ELECTORAL PERIODS, AND THIS TREND WAS PREVALENT PARTICULARLY AS THE INAUGURATION OF PRESIDENT LUCAS APPROACHED. THE SHOOTING BY SOLDIERS OF AT LEAST 38 INDIAN CAMPESINOS IN A LAND TENURE ALTERCATION IN PANZOS WAS FOLLOWED BY THE REPRISAL BOMBING BY LEFTIST TERRORISTS OF A TRUCK FILLED WITH MILITARY POLICE. THE NEW LUCAS GOVERNMENT HAS PROMISED TO DEAL MORE FIRMLY WITH VIOLENCE, BUT STRICTLY WITHIN THE LIMITS OF THE LAW. CHALLENGES TO THIS POLICY HAVE BEEN MET WITH MEASURED FORCE. THIS USE OF FORCE IN TURN HAS RAISED QUESTIONS OF RIGHT OF ASSEMBLY AND FREE SPEECH. THE WEIGHT OF LEGAL OPINION SEEMS TO LIE WITH THE REPROGATIVE OF THE GOVERNMENT TO MAKE REGULATIONS WITHIN CONSTITUTIONAL GUARANTEES OF PUBLIC ASSEMBLY.

THE LAUGERUD GOVERNMENT RATIFIED THE AMERICAN CONVENTION ON HUMAN RIGHTS ON MAY 25, 1978 AND SUPPORTED THE CREATION OF THE OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS.

2. RESPECT FOR THE INTEGRITY OF THE PERSON,
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INCLUDING FREEDOM FROM:

(A) TORTURE

TORTURE OF ALLEGED SUBVERSIVES HAS OCCURRED WITH FREQUENCY IN GUATEMALAN HISTORY. DURING 1966-1972, TORTURE, SUMMARY EXECUTIONS, AND ANONYMOUS DEATH-SQUAD ACTIVITIES WERE CHARACTERISTIC OF BLOODY CLASHES BETWEEN SECURITY FORCES AND LEFTIST GUERRILLAS.

AFTER THE SUBSTANTIAL DEFEAT OF THE INSURGENT MOVEMENT IN THE EARLY 1970S, AND PARTICULARLY DURING THE LAUGERUD ADMINISTRATION, SUCH INCIDENTS DECREASED AND THERE HAVE BEEN FEW RECENT ALLEGATIONS OF TORTURE BY GOVERNMENT OFFICIALS.

(B) CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

SUCH TREATMENT AND PUNISHMENT ARE LEGALLY PROHIBITED. BUT ABUSES OCCUR, PARTICULARLY DURING INTERROGATIONS OF THOSE SUSPECTED OF SUBVERSIVE

ACTIVITY OR ACTUAL TERRORISM. INCREASING REPORTS OF "DEATH SQUAD" ACTIVITIES HAVE THEIR CIRCUMSTANTIAL BASIS IN THE UNEXPLAINED DEATHS, USUALLY ACCOMPANIED BY SIGNS OF TORTURE, OF CRIMINAL REPEATERS. THE GOVERNMENT HAS DENIED ANY INVOLVEMENT ON THE PART OF POLICE IN THE DISCHARGE OF OFFICIAL DUTIES. ACTS OF POLITICAL AND PERSONAL VIOLENCE ATTRIBUTED BOTH TO PRIVATE PARTIES AND LOCAL MILITARY AND CIVIL OFFICIALS STILL OCCUR IN RURAL AREAS AND APPEAR TO PROVOKE LITTLE EFFECTIVE RESPONSE FROM THE CENTRAL GOVERNMENT.

(C) ARBITRARY ARREST OR IMPRISONMENT

ARREST AND SHORT-TERM DETENTION, ALLEGEDLY
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WITHOUT DUE PROCESS, OCCURRED DURING 1978 IN CONNECTION WITH PERSONS SUSPECTED OF SUBVERSIVE ACTIVITIES, BUT TO A LESSER EXTENT THAN IN MOST PRIOR YEARS. THERE WERE NO REPORTED CASES OF LENGTHY DETENTION WITHOUT INDICTMENT OR TRIAL IN 1978.

(D) DENIAL OF FAIR PUBLIC TRIAL

MOST OF THOSE ACCUSED OF SUBVERSION HAVE BEEN RELEASED AFTER SHORT PERIODS OF DETENTION AND INTER-ROGATION. THOSE BROUGHT TO TRIAL, LIKE PERSONS ACCUSED OF NON-POLITICAL OFFENSES, GENERALLY RECEIVE FAIR PUBLIC TRIALS. HOWEVER, IN GUERRILLA CASES, THERE CONTINUE TO BE REPORTS OF DISAPPEARANCES.

(E) INVASION OF THE HOME

INVASIONS OF THE HOME HAVE BEEN CHARGED, PARTICULARLY IN RURAL AREAS IN THE COURSE OF ANTI-TERRORIST SWEEPS BY SECURITY FORCES.

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3. GOVERNMENTAL POLICIES RELATING TO THE FULFILLMENT
OF SUCH VITAL NEEDS AS FOOD, SHELTER, HEALTH CARE
AND EDUCATION

SIGNIFICANT GAINS IN LIVING STANDARDS AND MIDDLE
CLASS EXPANSION HAVE BEEN MADE OVER THE LAST TWENTY
YEARS, PARTICULARLY AMONG URBAN INDUSTRIAL AND SERVICE
WORKERS. BUT SEVERE SOCIAL AND ECONOMIC INEQUALITIES
STILL EXIST. PROXIMITY TO GUATEMALA CITY OR TO SEATS
OF LOCAL GOVERNMENT LARGELY DETERMINES AVAILABILITY OF
THE MOST IMPORTANT SOCIAL SERVICES.

THE LAUGERUD GOVERNMENT SOUGHT TO INCREASE INVEST-
MENTS IN RURAL AREAS, WHICH ARE PREDOMINANTLY VERY
POOR, AND SOLICITED LOANS FROM INTERNATIONAL DONORS FOR
EXPANSION OF RURAL HEALTH SERVICES, PRIMARY AND SECONDARY
EDUCATION FACILITIES, AGRICULTURAL CREDIT, AND SUPPORT
OF COOPERATIVES. THE LUCAS ADMINISTRATION IS CONTINUING
THESE POLICIES. THE LAUGERUD GOVERNMENT'S HANDLING OF
PROBLEMS CREATED BY THE 1976 EARTHQUAKE WAS A MAJOR
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SUCCESS. WITH THE ASSISTANCE OF THE UNITED STATES AND
OTHER DONOR COUNTRIES, THE GUATEMALAN GOVERNMENT
CONTINUES TO WORK EFFECTIVELY TO RESTORE SHELTER AND
BASIC SOCIAL SERVICES TO THE HARDEST HIT HIGHLAND AREAS.

4. RESPECT FOR CIVIL AND POLITICAL LIBERTIES,
INCLUDING:

(A) FREEDOM OF THOUGHT, SPEECH, PRESS,
RELIGION AND ASSEMBLY

THERE IS FREEDOM OF SPEECH, PRESS AND
WORSHIP. CTURCH AND GOVERNMENT CLASH OCCASIONALLY WHEN

FOREIGN MISSIONARIES ARE ACCUSED OF MEDDLING IN DOMESTIC POLITICS. THE LAUGERUD GOVERNMENT IN ITS FINAL MONTHS ACCUSED CHURCH OFFICIALS WORKING IN RURAL AREAS OF AGITATING AMONG CAMPESINOS, AND EXPELLED A FOREIGN NUN. NEWSPAPERS AND BROADCASTING MEDIA CRITICIZED GOVERNMENT OFFICIALS AND POLICIES. POLITICAL DEMONSTRATIONS AND PARADES ARE REGULATED BY THE MINISTRY OF INTERIOR. UNLIKE ITS PREDECESSOR, THE NEW GOVERNMENT HAS SEEN FIT TO ENFORCE THIS POLICY REGOROUSLY, TO THE POINT OF BREAKING UP DEMONSTRATIONS WHICH LACK PRIOR AUTHORIZATION. LABOR UNIONS ARE FREE TO ORGANIZE UNDER THE LAW, BUT THERE ARE FEW STRONG INDEPENDENT UNIONS. THE SYSTEM OF LABOR JUSTICE IN GUATEMALA IS VIEWED BY UNIONS AS FAVORING BUSINESS, AND IS THE SOURCE OF MUCH LABOR DISCONTENT. THE NEW GOVERNMENT HAS COMMITTED ITSELF TO REVISING THE LABOR CODE.

(B) FREEDOM OF MOVEMENT WITHIN THE COUNTRY,
FOREIGN TRAVEL AND EMIGRATION
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THERE IS NO PRACTICE OF RESTRICTING INTERNATIONAL OR NATIONAL TRAVEL, OR EMIGRATION. TRAVEL TO AND FROM SOME RURAL GUERRILLA AREAS HAS AT TIMES BEEN HAMPERED. ACCESS TO THE AREA WAS RESTRICTED FOR A HALF DAY OR MORE AFTER THE PANZOS CLASH.

(C) FREEDOM TO PARTICIPATE IN THE POLITICAL PROCESS

FOR THE PAST TWO DECADES, GUATEMALAN POLITICS HAVE BEEN DOMINATED BY THE MILITARY WITHIN A CONSTITUTIONAL FRAMEWORK PROVIDING FOR REGULAR ELECTIONS AND CIVILIAN CONTROL BELOW THE TOP LEVEL. SOME OPPOSITION PARTIES ARE PERMITTED TO FUNCTION, AND THE NEW GOVERNMENT IS COMMITTED TO AUTHORIZE ADDITIONAL PARTIES, WHICH WOULD BE THE FIRST NEW ONES SINCE 1968. (NOTE: BY THE TIME THIS REPORT SEES THE LIGHT OF DAY, THERE WILL PROBABLY BE AT LEAST TWO NEWLY CERTIFIED PARTIES, ONE OF THEM CONSIDERABLY LEFT OF CENTER.) THE 1978 PRESIDENTIAL ELECTIONS WERE MARRED BY FRAUD, BUT SINCE NO CANDIDATE CAME CLOSE TO RECEIVING THE NECESSARY MAJORITY, THE WINNER WAS CHOSEN BY THE CONGRESS AS THE CONSTITUTION PROVIDES.

5. GOVERNMENT ATTITUDE AND RECORD REGARDING INTERNATIONAL AND NON-GOVERNMENTAL INVESTIGATION OF ALLEGED VIOLATIONS OF HUMAN RIGHTS

NO REPORTS HAVE BEEN RECEIVED OF ANY REQUESTS
MADE TO THE GOVERNMENT OF GUATEMALA FOR HUMAN RIGHTS
INVESTIGATIONS BY EXTERNAL GROUPS. OUTSIDE OBSERVERS
VISITED GUATEMALA FOR THE NATIONAL ELECTIONS.

GUATEMALA HAS RATIFIED THE AMERICAN CONVENTION ON
HUMAN RIGHTS. GUATEMALA ABSTAINED ON PREMITTING
AMNESTY INTERNATIONAL TO ATTEND THE OAS GENERAL
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ASSEMBLY AS A "SPECIAL INVITEE," BUT AT THE UN,
SUPPORTED CREATION OF THE OFFICE OF HIGH COMMISSIONER
FOR HUMAN RIGHTS.
END TEXT.

WE EXPECT THE DEPARTMENT TO INCORPORATE THE
APPROPRIATE CITATIONS FROM NON-GOVERNMENT ORGANIZATIONS
(REFTEL SECTION FOUR) INASMUCH AS AMNESTY INTERNATIONAL
AND FREEDOM HOUSE REPORTS, THE ONLY TWO COVERING
GUATEMALA OF WHICH WE ARE AWARE, ARE DATED.
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